



## WHAT EVERY HOUSING PROVIDER SHOULD KNOW ABOUT FAIR HOUSING

### DID YOU KNOW?

Sales or rental agents, brokers, managers, housing associations, housing providers or any other persons involved in a real estate transaction are legally responsible for compliance with Federal and State fair housing laws which protect the right to equal access in housing.

Tenants are entitled to choose where to live and to enjoy the use of the facilities in the unit without feeling intimidated or discriminated against. The Illinois Human Rights Act provides protection from discrimination based upon **race, color, religion, sex (including sexual harassment), national origin, ancestry, age (40 and over), marital status, physical, mental or perceived disability, military status or unfavorable military discharge, familial status, sexual orientation (including gender identity) and order of protection status.**

A charge of discrimination may be filed against you individually and/or as an agent or broker if a complainant alleges violations to the law during a real estate transaction. Newspapers and other publications that print discriminatory advertising can also be charged under the Act. Both commercial and residential properties, including houses, apartments, condominiums, mobile home parks, vacant land, offices, stores and other types of residential and commercial property are covered under the law.

### EXAMPLES OF PROHIBITED ACTIVITY BASED ON SOMEONE'S PROTECTED CLASS:

- Refusing to engage in a real estate transaction;
- Altering the terms or conditions of a real estate transaction;
- Refusing to receive or transmit a bona fide offer in a transaction;
- Blockbusting, racial steering, panic peddling or using restrictive covenants;
- Misrepresenting the availability of property for inspection, rental or sale;
- Discriminating against families with children under the age of 18 (including pregnant mothers, or persons in the process of obtaining custody);
- Requiring extra charges for the use of service or support animals;
- Indicating in writing a direct or indirect intent to commit unlawful discrimination (often through advertising);
- Refusing to allow reasonable accommodations and modifications of premises occupied by persons with disabilities.

### WHAT TO DO IN ORDER TO COMPLY WITH THE LAW?

- Treat all people the same, without differences in treatment based on their protected class.
- Know your rights and responsibilities under the Law.
- Be truthful about whether a property is available for rent or sale.
- When advertising or speaking to a potential tenant or buyer, provide accurate information about the location of the unit and focus on describing the amenities of the property using neutral language.
- Be aware of advertisements that may discourage potential renters or buyers. When using photos, make sure that the persons depicted are diverse groups of people.

- Provide adequate information on the qualifications a buyer or renter needs in order to acquire the property and make sure these apply to all interested persons.
- Be aware of any exemptions to the law such as senior housing or special considerations for persons with disabilities.
- Keep written and organized documentation including procedures for tenant selection, screening process, leases agreements, rules and regulations and reasons for deviations from stated policies.
- Remind your staff that all written policies and practices must be followed and applied evenly across the board to all prospective tenants and buyers.
- If a charge is filed against you or your company, don't take it personally. The IDHR investigator will contact you for your side of the story, and resolve the matter between the parties if possible. For IDHR's procedures for investigating housing charges, see [www.illinois.gov/dhr](http://www.illinois.gov/dhr)

Sales and rental agents who comply with the law and welcome all qualified tenants and home seekers can help produce better communities, and are less likely to become respondents in a housing discrimination charge.

#### ARE REALTORS PROTECTED BY THE LAW?

- Sales, rental agents or other employees are protected from coercion or retaliation by an employer or owner if they refuse to follow the employer or owner's instruction to unlawfully discriminate.
- Realtors and other housing providers are also able to report incidents of discrimination on behalf of a current property owner.
- Reporting incidents of unlawful practices or activities should be reported in order to avoid exposing the sales or rental agents to any court actions arising from such activity.
- Anyone may initiate a charge of discrimination by writing, calling, or visiting the Illinois Department of Human Rights within one year of the act of discrimination.
- A Complainant Information Sheet can be found on [www.illinois.gov/dhr](http://www.illinois.gov/dhr) or it may be obtained upon visiting our office. This form should be completed as soon as possible. There is no fee for filing with the Department and neither Complainants nor Respondents are required to have an attorney.

#### LENGTH OF THE PROCESS:

The Illinois Human Rights Act requires IDHR to finish the investigation and make a finding within 100 days of filing a perfected charge, unless it is impracticable to do so. IDHR makes every attempt to complete a timely investigation; however, some investigations will take longer, depending upon the case.

#### FOR MORE INFORMATION:

James R. Thompson Center\*

100 W. Randolph St., 10<sup>th</sup> Floor

Chicago, IL 60601

312-814-6229 (voice), 866-740-3953 (TTY)

**Office Hours:** Monday through Friday, 8:30am to 5:00pm

**Intake Interviewing:** Monday through Thursday

**\*Note: All visitors to the Thompson Center are subject to screening and must have a picture ID to access the building.**